



Docket No. P356 US01

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9-20-01
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Buch-Rasmussen et al.

Serial No. : 09/550,857

Examiner: Fonda, K.

Filed : April 17, 2000

Art Unit: 1623

Title : Dry, Mouldable Drug Formulation

I hereby certify that this paper is being deposited with the United States Postal Service, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on September 12, 2001.

Robert B. Smith

Reg. No. 28,538

Robert B. Smith
Signature

September 12, 2001
Date

September 12, 2001

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner For Patents
Washington, DC 20231

Sir:

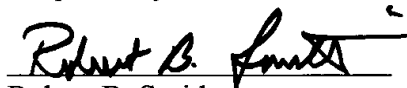
In response to the Restriction Requirement mailed on July 17, 2001, the applicants elect Species I, claims 1-55. However, the applicants respectfully traverse the restriction requirement, for the reasons set forth below.

"AB" claims an element "B" having the same scope as in the subcombination claim ("Bsp" in both cases), restriction is not proper. Thus, referring to the hypothetical above, if the combination recited a car with radial tires, and the subcombination claims were directed to radial tires, restriction would not be proper.

In the present case, claim 1 represents the subcombination element, Bsp. Claim 56 claims the combination of "Bsp" plus a device ("A") holding the element "Bsp". Thus, claim 1 is directed to the subcombination "Bsp" and claim 56 is directed to the combination "ABsp."

As indicated in M.P.E.P. § 806.05(c), because the subcombination element "Bsp" is the same in both claims 1 and 56, restriction is improper. For such reasons, the applicants respectfully request favorable reconsideration of the restriction requirement, as well as favorable consideration of the application.

Respectfully submitted,



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Creation date: 12-10-2003
Indexing Officer: SBELETE - SEBLE BELETE
Team: OIPEBackFileIndexing
Dossier: 09550857

Legal Date: 11-06-2001

No.	Doccode	Number of pages
1	CTNF	9

Total number of pages: 9

Remarks:

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